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SUEDE

MÜNDLICHE VERHANDLUNG
ORAL PROCEEDINGS 4.9.01
PROCEDURE ORALE

Datum/Date
14.08.01

Zeichen/Ref./Réf.	Anmeldung Nr./Application No./Demande n°./Patent Nr./Patent No./Brevet n°.
2950767	94915725.9-2309/0698162

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire
VÄLINGE ALUMINIUM AB

BRIEF COMMUNICATION

Subject:
( ) Your letter of .....
( ) Our telephone conversation of .....
( ) Communication of .....
( ) .....

Enclosure(s): (X) Letter from the ~~proprietor~~ of ~~the~~ patent/opponent ~~or~~ OL
dated 26.07.01 and 30.07.01
( ) Copy(copies) .....
( ) Communication: .....

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Please take note.

Formalities Officer Walter Ertel
Tel.: (089)2399- 2072

( ) REGISTERED LETTER

D07873F

258

BUREAU M.F.J. BOCKSTAEL NV.
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LICENTIES - LICENCES
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EUROPEAN PATENT OFFICE
ERHARDTSTRASSE 27

D-80298 MÜNCHEN DUITSLAND

EPO - Munich 63
01. Aug. 2001

U/V Ref.:
O/N Ref.: A.14366 MB/co

26 July 2001

Dear Sirs,

94915725.9 2263 dtd

re: European patent No. 0.698.162 -
VÄLINGE ALUMINIUM AB.
Opposition filed by UNILIN DECOR N.V.

of 4.9.01

With respect to the above mentioned file, we enclose herewith a sub-authorisation, allowing Mr Andrew HAMMOND from GÖTEBORGS PATENTBYRA (SWEDEN) to file written submissions and to attend to the oral proceedings of 4 September 2001.

Yours faithfully.

Bureau M.F.J. Bockstael nv

E.Donné M.Sc.
European Patent Attorney

Encl.

1937

D07873F

259

BUREAU M.F.J. BOCKSTAEL N.V.

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U/V Ref.:
O/N Ref.: A.14366
MB/co

26 July 2001

I, the undersigned, EDDY DONNé M.Sc., European Patent Attorney, who acquired power of attorney under article 101 EPC,

do hereby give sub-authorisation to Mr Andrew HAMMOND,

- to draw up and file written submissions prior to the oral proceedings of 4 September 2001,

- to attend to the oral proceedings,

regarding the opposition procedure filed by UNILIN DECOR N.V.
against the European patent No. 0.698.162
(application No. 94915725.9 - 2303)
(applicant VÄLINGE ALUMINIUM AB).

E. DONNé

1937

Göteborgs Patentbyrå Dahls

01

European Patent Office
D-80298 MÜNCHEN
TYSKLAND

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INITIALLY VIA FAX: 28 PAGES

Your ref:	Our ref:	Date:
94915725.9	U3493SE/AH	July 30, 2001

EPO - Munich
62
03. Aug. 2001

Re. **European Patent Application No. 94915725.9-2303**
Publication No. 0 698 162
Oral Proceedings scheduled for 4 September 2001

2303 opp /OP 04-09-01

Dear Sirs,

With reference to the Summons of 17 April 2001 to attend Oral Proceedings on 4 September 2001 in opposition proceedings against the above-captioned European patent, please find enclosed a written submission filed on behalf of Unilin Decor N.V. (Opponent 1).

Please note that the undersigning representative has been authorized to act on behalf of Opponent 1 by means of a sub-authorization filed by the attorney of record, Mr. Eddy Donné, with the European Patent Office in a letter dated 26 July 2001.

Three copies of this written submission will accompany the original which is being sent as a confirmation of this facsimile transmission.

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Göteborgs Patentbyrå Dahls

Göteborg, as above

....

Andrew Hammond

European Patent Attorney

Enc/. Response of Unilin Decor N.V. (14 pages)

Annexes 1 to 3

KNIGHT'S dictionary (6 pages)

US-A-2,430, 200

(The above in three copies plus original by post)

Gunilla Ahl, Behdad Arasteh, Karin Bergstam, Lisbeth Bjerlid, Andrew Hammond, Kerstin Hansson, Birgitta Hogfeldt-Sandberg, Ulf Inger
Arne Jacobsson, Bruno Karlsson, Jan-Erik Lundmark, Maria Nilsson, Ann-Marie Ringdberg, Tuomo Rantanen, Caroline Sjöström,
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Response of Unilin Decor N.V. to the reply of Välinge Aluminium AB of 24 January 2000 in opposition proceedings against European Patent No. 0 698 162 taking into account the provisional opinions of the Opposition Division

For the sake of clarity, and as far as it is feasible, the points raised in Välinge Aluminium AB's reply will be addressed in the order in which they appear.

Section 1: Background

1. The background events and procedure up to grant are irrelevant for the opposition proceedings. Instead, and in accordance with Article 101(1) EPC, it is the duty of the Opposition Division to examine whether the grounds for opposition laid down in Article 100 EPC prejudice the maintenance of the European patent.

Section 2: The Invention

2. It is apparent from i.a. § 2.3.2 (ii) that the Patentee is of the opinion that a specific advantage of the claimed invention is that its construction makes it possible to disassemble the floor once laid without causing damage. It is an established aspect of European patent praxis that an independent claim shall contain all features necessary for solving the technical problem with which the application is concerned, i.e. any claimed advantages must be attainable by the features of the independent claim(s). In this respect, attention is drawn to the Guidelines for Examination, C-III, 4.4, as well as the Case Law of the Boards of Appeal of the European Patent Office, 3rd edition, 1998, page 162, final paragraph. The significance of the requirement that the floor is to be able to be disassembled without causing damage will become apparent in our discussion under Section 3, Interpretation of the claims of the Patent, below.

3. Under § 2.4, the Patentee refers to the alleged commercial success of the invention and states that the corresponding product - the Alloc™ flooring (hereinafter "Alloc") - has a locking system which is *"In all essential aspects in accordance with the embodiments described in connection with Figs. 2-4 in the Patent, in structural aspects as well as functional aspects"*.

4. **This statement is incorrect.**

5. It is to be emphasized that all the embodiments disclosed in the application as filed are shown and described as having vertical locking surfaces, i.e. a groove wall extending at right angles from the plane of the lower surface of the groove panel and an operative surface 10 extending at right angles from the strip.

6. The enclosed Annex 1 is an illustration of Alloc provided by the Patentee himself in Observations under Article 115 EPC of 19 November 1998 concerning European patent application no. 97928169.8. It is to be noted that Alloc has a locking element which is angled at 70°- 80° and that the leading wall of the locking groove enjoys a corresponding angle.

7. In his reply of 24 January 2000, and as pointed out above, the Patentee specifically refers to Figs 2-4 of the Patent as corresponding to the Alloc product. From page 15, lines 30-37, of the application as filed, however, the skilled person is directly and unambiguously informed that the locking element of the strip has *"an operative locking surface 10 extending at right angles up from the front side 22 of the strip 6..."* (underlining added).

8. Accordingly, and as will become even more apparent from the discussion below in relation to Section 3, Alloc differs considerably in both structural and functional aspects in comparison to the application as filed.

9. Under § 2.6, the Patentee refers to Enclosure 3 of his reply as illustrating various laying methods allegedly to demonstrate the operation of the locking system of the claimed invention. Once more, it will be apparent that the locking strip illustrated in Enclosure 3 does not have vertical locking surfaces as required by the contested patent, but instead has angled locking surfaces. Thus, Enclosure 3 is not representative of the flooring disclosed in the contested patent and hence has no relevance to the present proceedings.

10. Under § 2.7.1, the Patentee states that there must be *"a precise locking (with no visible gaps) of the floor panels"*. Precise locking is mentioned on page 8, line 2, of the published application, though the application is silent as to what is meant by "precise locking". Furthermore, it is important to note that nowhere in the application as filed is the aspect of "visible gaps" (or the avoidance of visible gaps) mentioned.

11. Under § 2.7.2, the Patentee admits that *"a simple taking-up possibility is essential also when laying a floor"*. Accordingly, and as has been explained under point 2 above, the independent claim(s) must be interpreted as including the technical features necessary to achieve this essential effect.

Section 3: Interpretation of the claims in the Patent

12. Under § 3.1.1, the Patentee refers to Article 69 EPC and points out that this article is relevant when i.a. assessing the scope of protection. The Opponent fully concurs with this observation. In other words, the description and drawings are to be used to interpret the claims.

13. Under § 3.2.2, the Patentee asserts that the Swedish word "skiva" excludes extruded or bent flat sheets. The Patentee has provided no evidence to support this assertion. It is the firm belief of the Opponent that the word "skiva" includes i.a. not only boards, panels or plates but also sheets. This belief is supported by the definition of "skiva"

given in several dictionaries, including Einar Engström's Swedish-English Technical Dictionary (Annex 2) from which it can be gleaned that the word "skiva (bygg)" (i.e. skiva (building)) has many meanings, including "sheet". Furthermore, the renowned Svenska Akademiers Ordbok mentions that the word "skiva" also includes "skiva av metall", i.e. sheet metal. Given that the application as filed emphasizes that the invention is useful for joining building panels such as wall panels (page 1, lines 21-24), it will be apparent that the skilled person when reading the application as filed would recognize that the invention could also be applied to e.g. sheet metal wall claddings (see also § 3.4.3 of the provisional opinions of the Opposition Division).

14. Under § 3.3.2, the Patentee again mentions the desirability to avoid any unwanted large gaps in the upper surface of the floor between the panel edges. This desirability is not disclosed in, nor is it derivable from, the application as filed.

15. Under § 3.4.2, the Patentee states that "*Claim feature (f) specifically states that the play - if present - will be located in the locking groove..*". Of course, claim feature (f) does not provide a choice as to whether play is present or not. Instead, claim feature (f) must be interpreted to mean that the panels have the capability to occupy a relative position where a play exists. As will be discussed in greater detail below, if, as the Patentee urges, there are to be no "unwanted" large gaps in the upper surface of the floor between the panel edges, the panel edges must be in contact as shown in Figs. 1b, 2c and 3c, i.e. play must be present between the locking groove and the locking surface 10. Furthermore, that play is an essential feature of the claimed invention has been confirmed in decisions of the Court of First Instance in the Netherlands in which the Dutch national part of this opposed European patent is undergoing court proceedings. Naturally, should the Opposition Division so desire, copies and translations of these decisions can be provided.

16. Under the subheading **"Play is small"**, the Patentee alleges that "*According to the patent, the play is extremely small*". In this respect it is to be noted that the patent never makes such a statement. Admittedly, claim 1 does not place an empirical value

on the dimension of the play. Nevertheless, and as is indicated in paragraph 12 above, the description and claims are to be used to interpret the claims in order to determine the extent of protection conferred by the claims. As will be explained below, for claim 1 to solve the object of the invention, the play must be sufficiently large to allow the panels to be disassembled without the risk of damage.

17. The only direct reference to a possible value of the amount of play is to be found in column 6, line 24 of the patent. This statement reads: "*...disassembly can be achieved even if the aforementioned play between the locking groove and the locking surface is not greater than 0.2 mm*" (underlining added). Although the Patentee seemingly relies on this statement to support his allegation that the play is very small, it will be apparent to a reader fully familiar with the English language that this sentence can only be interpreted in one way and that is that the value of 0.2 mm is a minimum value.

18. The above-given interpretation is fully consistent with the teaching of the contested patent. It will be apparent from paragraph 2 above that it must be possible to disassemble the floor once laid without damage. From page 8, lines 4 to 6, of the application as filed, it is apparent that an alleged advantage of the claimed invention is that "*the floor panels can be quickly and conveniently disassembled in the reverse order of laying without any risk of damage to the panels*" (underlining added). From paragraphs 5 and 7 above, it is explained that the application as filed only ever discloses embodiments having vertical locking surfaces. As can be gleaned from the drawings of enclosed Annex 3, the only way in which the groove panel can be separated from the strip panel without hampering, i.e. without any risk of damage, is if there is sufficient play available so that the lowermost edge of the vertical groove wall can clear the uppermost edge of the locking surface of the strip panel. Even if the strip were flexible, this would still not allow disassembly of the joint without considerable play for the simple fact that the locking surfaces are vertical. Hence, there is no force component generated during lifting of the groove panel which would tend to deflect the strip downwards. Furthermore, the only way in which it can be

ensured that disassembly can take place without any risk of damage is if no contact takes place (as soon as there is contact between two objects, the risk of damage arises).

19. In view of the above, it will be directly and unambiguously apparent to the skilled person reading the application as filed that the feature of "play" is not only essential for the claimed invention, but that the amount of play must be sufficient to allow quick and convenient disassembly of the laid flooring.

20. Under the subheading **"The Alloc Play"**, the Patentee offers "proof" of workability of extremely small plays. Of course, since Alloc differs considerably from the system disclosed in the opposed patent, the amount of play present in Alloc is wholly irrelevant as regards play in terms of the opposed patent.

21. Under the subheading **"No large plays"**, the Patentee refers to the term "high laying quality". It is to be observed that the patent does not define the term "high laying quality". The term is inherently subjective and has no universally accepted technical meaning. Similarly, the patent does not define what is meant by "precise locking". These two terms are mentioned in the Summary of the Invention section of the application as filed where the applicant obviously tries to paint his invention in the best possible light. Neither the patent as granted nor the application as filed explains which features of the invention provide "high laying quality" or "precise locking".

22. In the first sentence on page 26, the Patentee alleges that *"It is a well known fact that floor boards with gaps in the upper surface of more than 0,2-0,3 mm are not accepted on the market due to inferior laying quality"*. In this respect, it is firstly to be noted that the Patentee offers no evidence to support this allegation. Secondly, and as has been discussed under paragraphs 16 to 19 above, the patent itself directly and unambiguously informs the skilled person that a considerable gap is essential for the flooring to be assembled and disassembled in the disclosed manner. Moreover, reference is made in column 6, lines 12 to 24, to something which the Patentee

himself terms "a preferred embodiment of the invention". As is discussed in paragraph 17 above, such an embodiment is attainable even if the play is not greater than 0.2mm. In other words, the patent itself urges that floor boards with gaps in the upper surface of 0.2mm or more are preferred!

Section 4: Prior Art cited by the Opponents

24. The Opponent has no comments at this stage to this section.

Section 5: General comments on Unilin's opposition

25. Under § 5.1.2, the Patentee states that *"The large number of citations is a clear indication that the invention is patentable"*. There appears to be no legal basis for this assertion either in the European Patent Convention or in the case law of the Boards of Appeal. Rather, the large number of citations is more an indication of the banality of the invention vis-à-vis the prior art.

26. Under § 5.1.5, the Patentee asserts that the Opponent has made *"unallowed and misleading alterations and modifications of the cited material"*. Once again, the Patentee has not provided any legal motivation as to why such alterations are unallowed. In fact, all that the Opponent has done is to illustrate embodiments which are disclosed in the various cited references, but not shown in the drawings of such references. For example, the drawing based on Webster (D1) is an illustration of an intermediate product before the bolts H are inserted. An intermediate product is equally citable against novelty as a final product. Furthermore, and as is apparent from the enclosed extract from KNIGHT'S dictionary, scarf joints need not employ bolts (see for example the enlargement of embodiment d).

27. In paragraph 3.4.1 of its provisional opinions, the Opposition Division indicates that

claim 1 is novel over a scarf joint since such joints are not disclosed in D1 for being employed on adjacent edges of building panels. Even if this were to be accepted in the light of what is disclosed in KNIGHT'S dictionary, no inventive step can be recognized in using in two adjacent building panels a joint which is disclosed a suitable for use in joining timber sections.

28. In terms of D2 (DE 29 17 025), the removal of the flange 202' is supported by the passage in the description to which the Opponent refers in its notice of opposition.

29. Similarly, the drawing presented with respect to D4 (DE 7402354), although not present in D4, is an illustration of what would happen when the joint is disconnected, i.e. it is implicitly disclosed. In this respect, reference can be made to the Guidelines for Examination, C-IV, 7.2.

Section 6: Detailed comments on the cited documents

30. Under § 6.1, and with particular reference to § 6.1.5, it is to be noted that claim 1 does not require simultaneous locking in the D1 and D2 directions. Furthermore, it is apparent from Figs. 1b, 2c and 3c of the opposed patent that when the locking surface 10 is "active", a gap will be present in the upper surface, just as it is with D1.

31. In terms of § 6.2, and as has been discussed in paragraph 13 above, the word "skiva" does not exclude aluminium sheet wall cladding. Thus, and contrary to the Patentee's assertion under § 6.2.3, claim feature (a) is present in D2.

32. In § 6.2.4, the Patentee asserts that D2 does not disclose a locking groove open at the rear side of the groove panel. Unfortunately, the Patentee does not provide any explanation as to why he is of this opinion. The Opponent's interpretation of "*open at the rear side of the groove panel*" is that it simply describes in which direction the groove is formed, i.e. the depth of groove is perpendicular to the major surface of the

panel. This it is in D2. The word "open" can neither be said to exclude a groove having an opening which is spaced from, though covering, the opening of the groove, as in the panel of D2 when the extension 202' is present. The groove is still open to allow access of the locking element, as shown in Figs. 2a and 2b of D2.

33. In § 6.2.5, the Patentee again asserts that disassembly of the panels according to the invention must be achieved without bending of any of the parts. In the opposed patent, this is only possible with the claim 2 embodiment. Thus, unless the Patentee combines claims 1 and 2, this argument is without basis.

34. Under § 6.3, and in terms of D3 (BE 417 526), it is to be noted that the transition from the flat panel part to the rounded part constitutes a groove which is open at the rear side of the groove panel and hence all the features of claim 1 are disclosed. The fact that D3 may not be the first choice for the skilled person when faced with the problems addressed by the opposed patent is irrelevant when considering novelty. All that is necessary to demonstrate lack of novelty is that the subject-matter of the claim, when given a reasonable interpretation (i.e. building panel), is derivable from D3. In this respect, it is to be noted that the Opposition Division has failed to point out just which features it believes are not disclosed in D3 (see paragraph 3.4.4 of its provisional opinions).

35. Under § 6.4, and in terms of D4, D4 shows feature (a) of claim 1 since it too is a "byggskiva". It will be apparent from e.g. Fig. 2 of D4 that the joint can be released by angling the panel 5 so that the end 6 moves clear of the raised portion 1. Furthermore, and contrary to the opinion of the Opposition Division in paragraph 3.4.5, a groove open at the rear side of the panel is formed by the bent portion between 5 and 6. Hence, all features of claim 1 are known from D4.

36. Under § 6.5, the relevance of D5 (US 4 426 820) is discussed. In terms of that which is alleged by the Patentee under § 6.5.4, it is important to note that feature (g) of claim 1 of the opposed patent does not require the panels to be locked. In other words, the

claim can also be construed as allowing mutual displacement of the panels during assembly of the floor panels. Furthermore, the passage to which the Patentee refers in D5 must be read in light of the entire disclosure of D5. When done so, it will be apparent that this passage simply means that when the flooring has been laid, no relative displacement of the panels will occur.

37. In any case, the shape of the joint in D5 does not prevent relative displacement when joined. In other words, there is no mechanical barrier preventing displacement. This is made fully apparent when considering Fig. 17 of D5. Fig. 17 illustrates how the panels of D5 are to be laid. Here it is to be noted that panel 1'' must be displaced in the direction of the joint edge of panel 1', i.e. in the direction of arrow 66, for the panels to be laid. The only aspect of the joint which may make displacement difficult is friction. Nevertheless, friction can be overcome provided that the applied forces are great enough. Claim 1 of the opposed patent is not restricted to any forces. Thus, the joined panels of D5 will be displaceable if the applied forces are great enough.

38. In terms of inventive step, it is firstly to be noted that the skilled person in the field of floor panels is aware that conventional glued tongue-and-groove panels can be displaced in the direction of the joint edges during assembly. Thus, the "mental platform" to which the Patentee refers in § 6.5.9 is the normal platform for the skilled person in this field.

39. The only technical difference between D5 and claim 1 of the opposed patent is the aspect of play. The question to be asked is therefore: what advantage can the provision of increased play between the locking surfaces provide? In the opposed patent, play is essential to allow the panels to be separated without damage. This problem is not encountered in D5 because of the angled locking surfaces. Thus, the only possible advantage that the play aspect of the embodiments of the contested patent can offer over D5 is the one of facilitating laying due to the reduced friction in the joint. Accordingly, the objective problem to be solved when starting from D5 is to provide floor panels which facilitate laying by permitting the panels to be displaced

along the joint while at the same time maintaining the advantages of non-adhesive joining. The obvious solution to this problem is to provide/increase the play between the panels. Hence, the skilled person would arrive at the subject-matter of claim1 without the exercise of inventive activity.

40. Under § 6.6, document D6 (GB 2 256 023) is discussed. The comment in § 6.6.2 is irrelevant since the claims of the Välinge patent relate to building panels and are not restricted to only floor panels.

41. Under § 6.6.5 (1), it is to be noted that line 9 of page 2 of D6 does not mention the word "large"! Claim 1 of the opposed patent does not place any numerical value on the amount of play. Thus, in terms of the subject-matter of claim 1, there is no difference in the play between the claim and D6. This conclusion would appear to be shared by the Opposition Division in § 3.4.2 of its provisional opinions.

42. There is no physical barrier to prevent mutual displacement of the panels of D6 along the joint edges. Thus, for the same reasons as given in paragraph 37 above in relation to D5, feature (g) of claim 1 is disclosed in D6 and the Patentee's assertion in § 6.6.5(3) is without merit.

43. Under § 6.6.6 there are fundamental flaws in the argumentation. Firstly, D6 specifically refers to the field of flooring (page 7, last sentence). Hence, D6 does not belong to a remote technical field. Secondly, the intended purpose of the play is irrelevant. All that needs to be established is whether the play of D6 will permit mutual displacement of the panels along the joint edge. If the answer is yes (and it is!), then the fact that the primary intention of the play may to allow the panels to accommodate humidity variations is wholly irrelevant.

44. The Opponent's comments relating to D6 apply to the discussion of D7 (GB 1 430 423) under § 6.7. In addition, it is to be noted that under § 6.7.2, the Patentee points out that the D7 locking is accomplished by horizontal movement, not angling.

However, claim 1 of the opposed patent does not require angling for locking. Note also that the Patentee's observations under § 6.7.5 concerning the orientation of the panels are nonsense. D7 discloses a particular joint; the orientation of the panels to which the joint is associated is irrelevant.

45. With reference to § 6.7.4, why can the joining system of D7 not be disassembled by angling? In this respect, reference can be made to page 2, lines 26 to 35, from which it is apparent that some angular deformation (i.e. angling) takes place. Furthermore, it would seem from page 3, lines 10 to 15, that there is sufficient play to allow mutual displacement of the joined panels in the direction of the joint.

46. Since document D42 (US 2 740 167) was cited by Kronotex, the present Opponent does not intend to comment at this time on the Patentee's statements under § 6.8.

47. With reference to § 6.9, it is to be noted that the drawings of D38 (DE 33 43 601) are schematic, i.e. they are not engineering drawings. The Patentee's Enclosure 5 is a direct reproduction of Fig. 1 of D38. Perversely, the Patentee would seem to indicate that he is aware that one cannot take dimensions from schematic representations (see § 6.6.5(1)), yet this is exactly what he is doing here! Furthermore, it is to be noted that D38 clearly discloses the step of angling down the panel (see page 9, first paragraph).

New Prior Art

48. The present Opponent has recently become familiar with US-A-2 430 200 (enclosed). This document discloses a lock joint for use in flooring (see e.g. column 1, lines 10 to 16). From Figs. 1 and 2, it is apparent that a play exists between adjacent panels along the joint edge. This implies that the adjacent panels when joined together can occupy a relative position where a play exists between the locking groove 13 of one panel 1 and the locking surface 15 on the locking element 7 of the other panel 2. Furthermore, it is apparent that the joint allows mutual displacement of the panels in the direction

of the joint edges (the Figs. 4 and 5 embodiment being optionally provided to prevent such displacement).

49. Thus, to the extent that the Patentee urges that claim 1 of the opposed patent also relates to panels with strips formed in one piece with the core, US-A-2 430 200 deprives the subject-matter at least claim 1 of novelty.

Section 7: Unilin's opposition grounds under Article 100(b) and (c)

50. With reference to § 7.1, as well as § 3.2 and 3.3 of the Opposition Division's provisional opinions, in order for the requirements of Article 83 to be met, there must be an enabling disclosure. The skilled person, when reading the application as filed, is informed that the claimed invention shall be suitable for very thin floors, i.e. about 3 mm (page 4, lines 3 to 20). He is also informed that it is an object of the invention to make it possible between thin floor panels to provide a joint that eliminates any unevennesses in the joint because of thickness tolerances of the panels (page 5, lines 31 to 33). From page 14, lines 23 to 37, the skilled person is taught that this latter object is achieved by allowing the entire joint to rest on the strip 6. This is repeated on page 17, lines 19 to 23. Starting on page 17, line 36, the only embodiment of a panel with an integrally formed strip is described. Starting on page 18, line 4, the skilled person is unambiguously informed that the strip panel is provided with a separate strip 74. Starting line 9, he is further informed that the strip is provided either directly on the rear side or in a recess. He is taught that the purpose of this is to ensure that the distance from the front side of the floor to the rear side, including the thickness of the strip 74 is always at least equal to the corresponding distance in the panel having the greatest thickness tolerance (page 18, lines 11 to 15), i.e. to eliminate unevenness.

51. The sentence "*Alternatively, the strip 6 may be integrally formed with the strip panel 1*" to which the Opposition Division refers in § 3.2 of the provisional opinions is not a technical teaching upon which support for the omission of the additional strip 74 can

be based. Instead, it is merely the expression of a wish. A claim must contain more than a wish - it must include those technical features which are needed to realize that wish (see Rule 29(1) EPC).

52. An amendment (in this case the addition of claim 14 during prosecution) is only allowable if the subject-matter of the amendment is directly and unambiguously derivable from the application as filed. From § 50 above, it is apparent that the only direct and unambiguous teaching with which the skilled person is presented when reading the application as filed is that a strip panel having an integrally formed strip must be provided with a separate strip 74.

53. In view of the above, it follows that the subject-matter of claim 14 constitutes an unallowable generalization of the only embodiment showing an integrally formed strip. As such, the addition of claim 14 during examination infringes Article 123(2) EPC.

Section 8: Comments on the documents cited against the dependent claims

54. Until the Patentee specifically addresses the objections raised in the Notice of Opposition, the Opponent does not intend to discuss the dependent claims.

Section 9: Requests

55. The request of the Opponent is that the patent be revoked in its entirety.

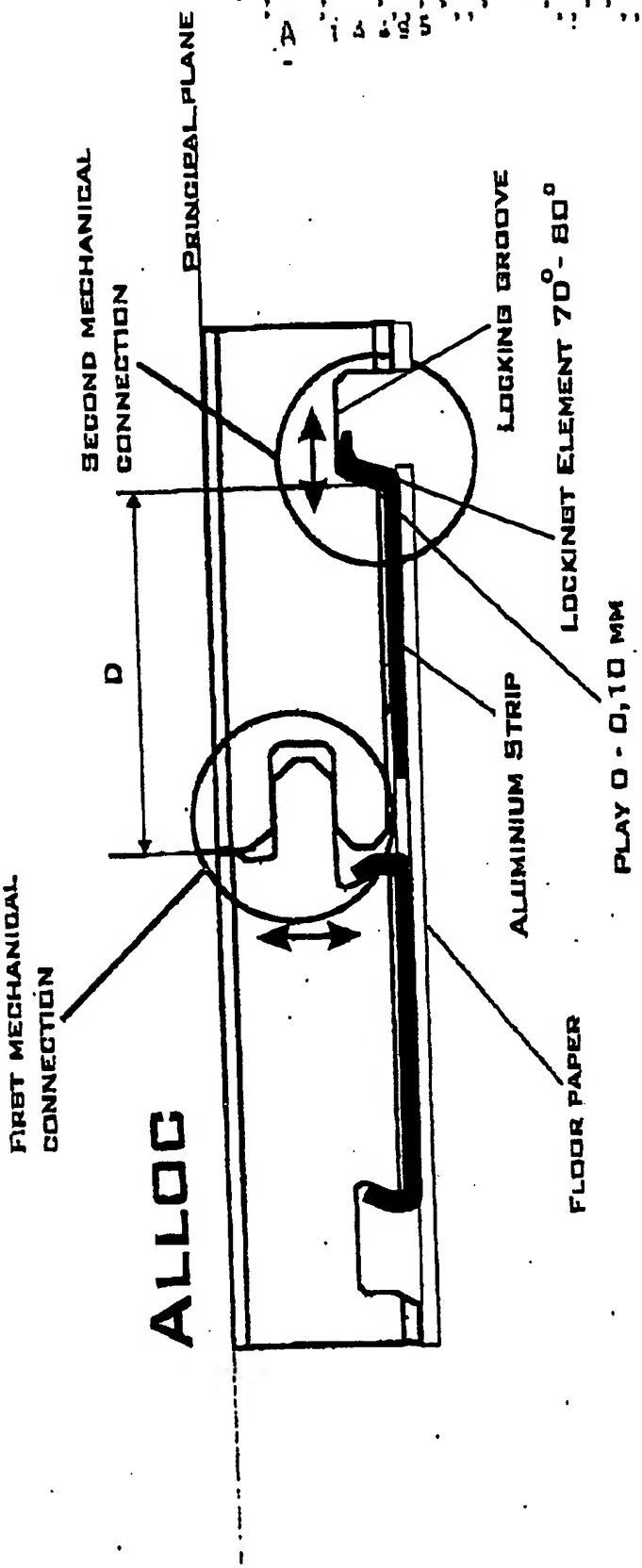
On behalf of the Opponent

Andrew Hammond

European Patent Attorney

ANNEX 1

FIG A


PRINCIPAL PLANE
SECOND MECHANICAL CONNECTION
LOCKING GROOVE
LOCKINGT ELEMENT 70°- 80°
D
ALUMINIUM STRIP
PLAY 0 - 0,10 MM
FIRST MECHANICAL CONNECTION
FLOOR PAPER
ALLOC

-transistor (elektr), junction transistor
-vis, in layers
-värmeisolans, thermal resistance of layer
skild, separated
skilja, to part, to separate; (= destillera), to distill, to abstract
~ sig (från), to differ (from)
skiljaktighet, descrepancy
skiljbar, separable
skiljo (skogsavv), sorting works, ~ installation
skiljejanalys, different test
-avtal, arbitration agreement
-båge (bygg), pier arch
-dom, arbitration, arbitral award
-domare, arbitrator
-domsförfarande, arbitration
-domstol, arbitration court
-list (bygg), parting bead
-membran, separator diaphragm
-nämnd, board of arbitration, arbitration tribunal
-raket, stage separating rocket
-refuge, divisional island, separator
-sand (gjut), parting sand
-skikt, layer of separation
-ställe (skogsavv), sorting place
-tratt, separating funnel
-tråd (väv), separating thread, draw thread
-varv (väv), separating course
-vägg (i maskinrum), diaphragm; (bygg), partition (wall), diaphragm; midfeather
-vägg mellan motor och förarhytt (bil), dash
-väggplatta, partition slab
skiljningsbrygga (skogsavv), sorting bridge
-fickа (skogsavv), pocket boom
-intag (skogsavv), sorting intake
-kanal (skogsavv), sorting channel
-magasin (skogsavv), sorting pond
-virke (skogsavv), log storage for sorting works
-öppning (skogsavv), sorting gap
skillingtryck (tryck), chapbook
skillnad, difference
-antenn (radio), diversity antenna
-frekvens (radio), difference frequency; (tel); beat frequency
-förlust, divergence loss
-ton (radio), difference tone, interference tone
skimmer, gleam
skimra, to gleam
~ svagt, to shimmer
skina, to shine
-nde, shining
skinn, hide, skin, fleece
bereda ~, to dress
berett ~, leather
oberett ~, pelt

-färgare, skin dyer
-färgning, dying of skins
-hindran medel (måln), anti-skinning age...
-klädsel, leather upholstery
-sorterare, skin sorter
-ull (väv), skin wool, plucked wool, fellmongered wool, pelt wool
skioptikon, lantern
-apparat, slide projector
-bild, lantern slide
skip (gruv), skip
-befordran, skip hoisting
-gång, skip compartment; skip (gruv)
-schakt (gruv), skipshaft
skiss, outline, preliminary drawing, sketch, lay-out, rough copy, plot
-block, sketching pad
-era, to outline, to sketch, to plot
-erare, plotter
-papper, sketching paper
skiva (bygg), disk, pane, plate, sheet, slab; sheet; (utdrags-), leaf, (grammofon-), record, disc; disk (um); (trä rund), slab, plate, sheet; (avskuret stycke), slice; (tunt skikt), flake, lamina, diaphragm
bakelitbunden ~ (slipmask), bakelite bonded wheel, disk containing bakelite
keramikbunden ~ (slipmask), vitrified bonded wheel
rund ~, sheave
stroboskopisk ~ (radio), stroboscopic disc
tunn ~, scale, flake
skivankare (el), disc winding 1. armature
-anod (elektr), disc anode
-antenn (radio), disc aerial
-broms (mask), disc brake, tension disc
-byte (mus), radio gramophone changer
-brytning (gruv), top-slice stoping, top slicing
horisontell -strossbrytning (gruv), drift slicing, horizontal top-slicing
med -strossbrytning (gruv), inclined top slicing
-brytningsort (gruv), slicing drift
-bytare (radio), record changer
-filter, disc filter
-fog (r), disc seal
-fogrör (r), disc seal tube 1. valve
lighthouse tube
-formatsåg, automatic panel sizer
-formning (plast), postforming
-fräs, side-milling cutter
-gatt, sheave hole
-gnistgap, disk spark gap, disk transmitter
-harv (lantbr), disc harrow; soil pulverizer (am)
-hjul, center disk wheel, ~ web disk wheel, solid ~

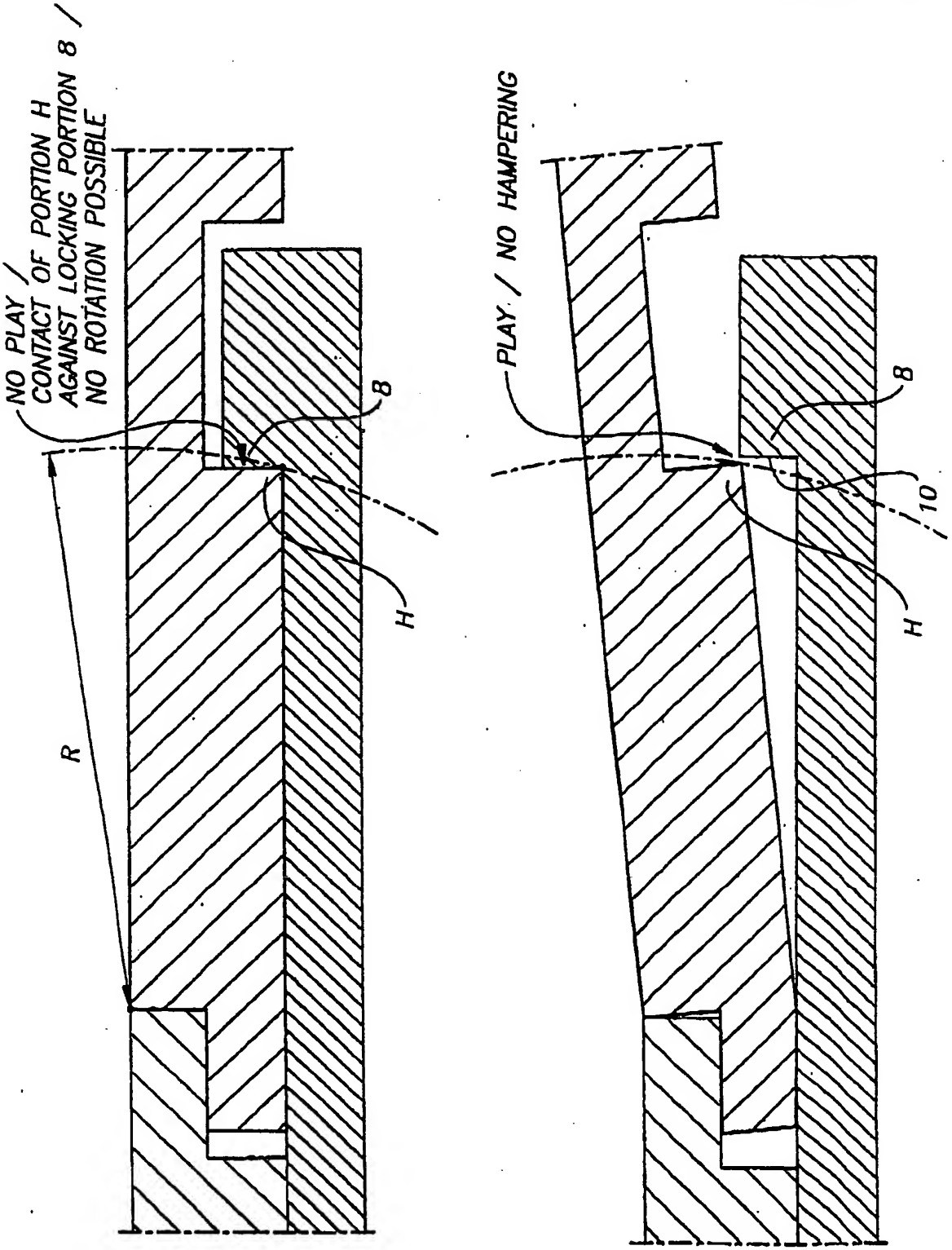
-hjulsavsvarv, disk wheel turning ...
-hyvel, slicing machine; (plast), sheeting ~
-hålningsverk, ∡ piercer, ι piercing mill
-höjd (gruv), slice height
-ig martensit, lamellar martensite
-kondensator (el), plate condenser, disk capacitor plate
-koppling (mask), disk coupling, plate ~, flange ~, plate clutch
-koppling med mellanläggsbricka, flange coupling with spacing ring
elastisk -koppling, elastic disk coupling
-krans, wheel face
-kross, disk crusher
-kvarn, disk crusher; ~ refiner (p)
-lindning, disk winding, ~ coil
-lindning (tel), pile-wound coil
-lob (aviatik), flat lobe, fan beam
-matare, table feeder; rotary ~ ~ (transp)
-matare med blad (transp), horizontal rotary feeder with paddles
-metod (spektr), point to plain method; (g), method of slices
-minne (data), disc storage, ~ memory, magnetic disc memory, ~ disc storage, ~ core memory, system pack, juke box memory
-minnesregister, disc file
-nivå, sub-level; slice level (gruv)
- och bandputsmaskin, disc and belt sanding machine
-ort (gruv), sub-level drift
-ortsdrivning (gruv), driving of sub-level drifts
-packning, sheet gasket
-pallbrytning (gruv), sub-level benching 1. stoping
-press, disc press
-putsmaskin, disk polishing machine, ~ sanding machine
-påle, disk pile
-raffinör (p), disc refiner
-rasbrytning (gruv), sub-level caving, subslicing
-relä (el), movable relay, disc ~, disc ~
-rem, pulley belt
-rengörare, record cleaner
-riva, shredder
-signal (el, jv), disc signal, board ~
-sil, disc strainer; (p), concentrator
-skrivare, disc chart recording instrument
-(skärnings)maskin, slicing machine
-spelare (radio), record player, automatic record-player
-spik, board nail
-sprängning (gruv), slab blasting
-strossbrytning (gruv), top slice stoping, top-slicing

... top-slicing
-stål med parallella spår (verktyg), round tool with annular grooves 1. flutes
-stång, disc bar
-tallrik (mus), turntable; (bil), center disk
-triör, disc separator
-vals, web roll, centre disc ~
-ventil, disk valve
-växlare (radio), record changer
-åskledare (radio), plate protector, tablet protector
skjul, shed
skjuta (= spränga), to blast, to fire, to shoot
~ fram, to protrude
~ för lågt, to undershoot
~ genom propellerfältet (flyg), to fire through the airscrew
~ in en kanon, to prove a gun
~ med vapen, to shoot
~ (på), to push, to jog
~ upp (sjö), to coil down
~ (bukta) ut, to bulge (out), shoot; (tryck), to impose
~ över (om kant), to overlap
~ (över stäv) (fartyg), to shoot ahead
skjutankarmotor, armature shifting motor
-are, shot firer
-arm (väv), connecting link
-bana, rifle range, target ~
-bar, sliding
-bar ram, sliding frame
-bart bord, sliding table
-bart objektiv (foto), sliding front
automatic ~ ~
-bart växeldrev (bil), (transmission) shifter gear
-bländare (foto), sliding diaphragm
-botten, sliding bottom
-bro, travelling bridge
-dörr, sliding door
-dörrbeslag, sliding-door fittings
-frånskiljare, sliding isolating switch
-fält, shooting range
-fönster, sash (window), slide ~, sliding ~
-grind, rolling gate
-beredskap, ammunition v
-hål, slip gear
-klar, ready to fire
-lager (mask), sliding bearing
-lock, slide lid
-lucka, sliding lid, trap, hatch
-lucka i pålastningsrämna
-lucka (på skeppsport), sash
-låda, slide box
-lära, ballistics
-metod, technique of fire
-motstånd, slide rheostat; resistance

Annex 2.

A-14797

ANNEX 3
page 1/1



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And Skill evolves them into perfect light." — LUCRETIUS, Book V.

First Steam Engine.

NEW YORK:
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Cambridge: The Riverside Press.
1876.

LIST OF FULL-PAGE PLATES.

VOL. III.

LIST OF FULL-PAGE PLATES.

hre forms in fixed handles, and one in a sheath like a lancet.

Scalper. (*Surgical.*) A tool for rasping bones.

A *scraping-iron.*

Scalping-iron. (*Surgical.*) See SCALPER.

Scalprum. (*Surgical.*) A rasping instrument used in trepanning; or removing the roughness from the edges of bones, or the teeth.

Scamillus. (*Architecture.*) A small plinth below the bases of Ionic and Corinthian columns.

Scam-pavi-a. (*Vessel.*) A fast-rowing war-boat of Naples and Sicily; in 1814–15 they ranged to 160 feet, pulled by 40 sweeps or oars, each man having his bunk under his sweep. They were rigged with one large lateen at one third from the stem; no forward bulwark or stem above deck; a long brass 6-pounder gun worked before the mast; only 8 feet above water; abaft a lateen mizzen with top-sail. — ADMIRAL SMYTH.

Scantling. 1. (*Carpentry.*) Lumber under 6 inches square, used for studs, braces, ties, etc. It is expressed in terms of its transverse dimensions; as "a timber having a scantling of 12 × 6."

2. (*Masonry.*) The dimensions of ashlar stones.

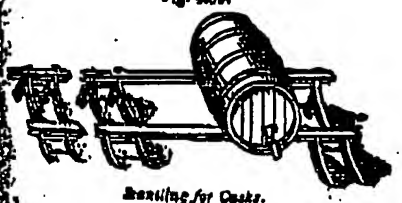
3. (*Shipbuilding.*) The transverse dimension of pieces of timber, etc. The respective sides are known as *molding* and *siding*.

Molding is depth or dimension which lies in the molding-plane.

Siding, the thickness in a direction perpendicular to the molding-plane.

4. A trestle or horse in a cellar for holding casks on top.

Fig. 4659.



Scantling for Casks.

5. The rough draft of a work or plan.

Scape. (*Architecture.*) a. The shaft of a column.

b. The apophyges of a shaft.

Scapement. (*Horology.*) See ESCAPEMENT.

Scape-wheel. (*Horology.*) The wheel in an escapement whose teeth escape one at a time from the pallets.

Scapple. (*Masonry.*) To reduce a stone to a relatively level surface by hammer-dressing for its smoothing.

Scapling-hammer. (*Stone-working.*) A hammer for dressing the face of a stone.

Scapus. (*Architecture.*) See SCAPE.

Scarcement. 1. (*Mining.*) A ledge of a structure projecting into a mine-shaft as a footing for timbers.

A support for a pit-platform, etc. It is so called below as to form a corbel or bracket.

(*Building.*) A ledge or footing formed by the setback of a wall.

2. (*Carpentry.*) A joint uniting two pieces endwise. The ends of each are beveled off, the sections are sometimes made in the one corresponding to convexities in the other, or a correspondingly in each receives a joggle; the two are held together by bolts, and sometimes also by straps, also written *scarph*.

The air timbers of mines are sometimes made of wooden sections joined together by scarfs and bands. *a*, Fig. 4660, is from a pump-rod in a German mine.

It is common, but not universal, to scarf the timbers together without making a bulge at the junction. In some cases the parts are simply laid or driven together, and in others they are forced to their seats by means of a wedge. In all cases the notches of one have counterpart projections on the other face, and the surfaces fit snugly against each other without longitudinal or lateral play.

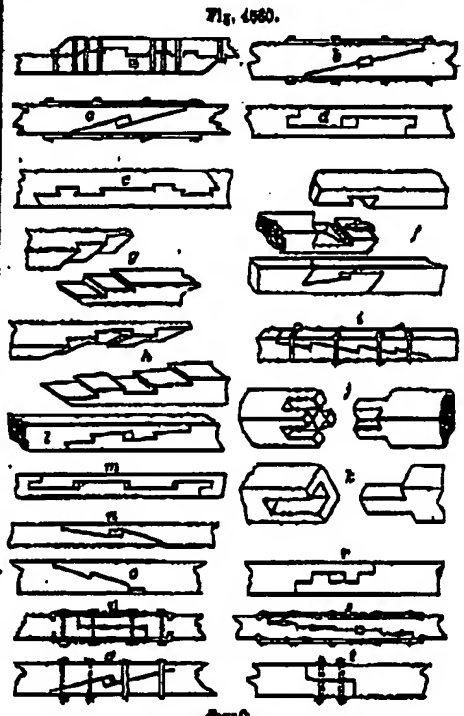
The mode of scarfing which has the appearance of a regular zigzag, when viewed in elevation, is called by the French, *traits de Jupiter* (*f*), from a fancied resemblance to forked lightning.

The timbers are secured by bolts, straps, side plates, stirrups, or other devices, according to circumstances and the nature of the strain.

Fig. 4660 illustrates various modes of scarfing.

a, pump-rod scarf.
b c, scarfs with wedges and fish-plates.
d, scarf with wedge.
e, scarf without wedge.
f, another form showing the two pieces apart and united.

Fig. 4660.



Scarfs.

g h, different ways of making the joint.
i, traits de Jupiter.
j k, end scarfs.
l m n, square and bevel scarfs.
o, hook and bolt.
p, square scarf with iron fish-plate.
q, bevel scarf with bolts.
r, hook bolt scarf.
s, scarf joint secured by fish-plates, bolts, and keys.
t, plain rabbeted scarf with bolts.

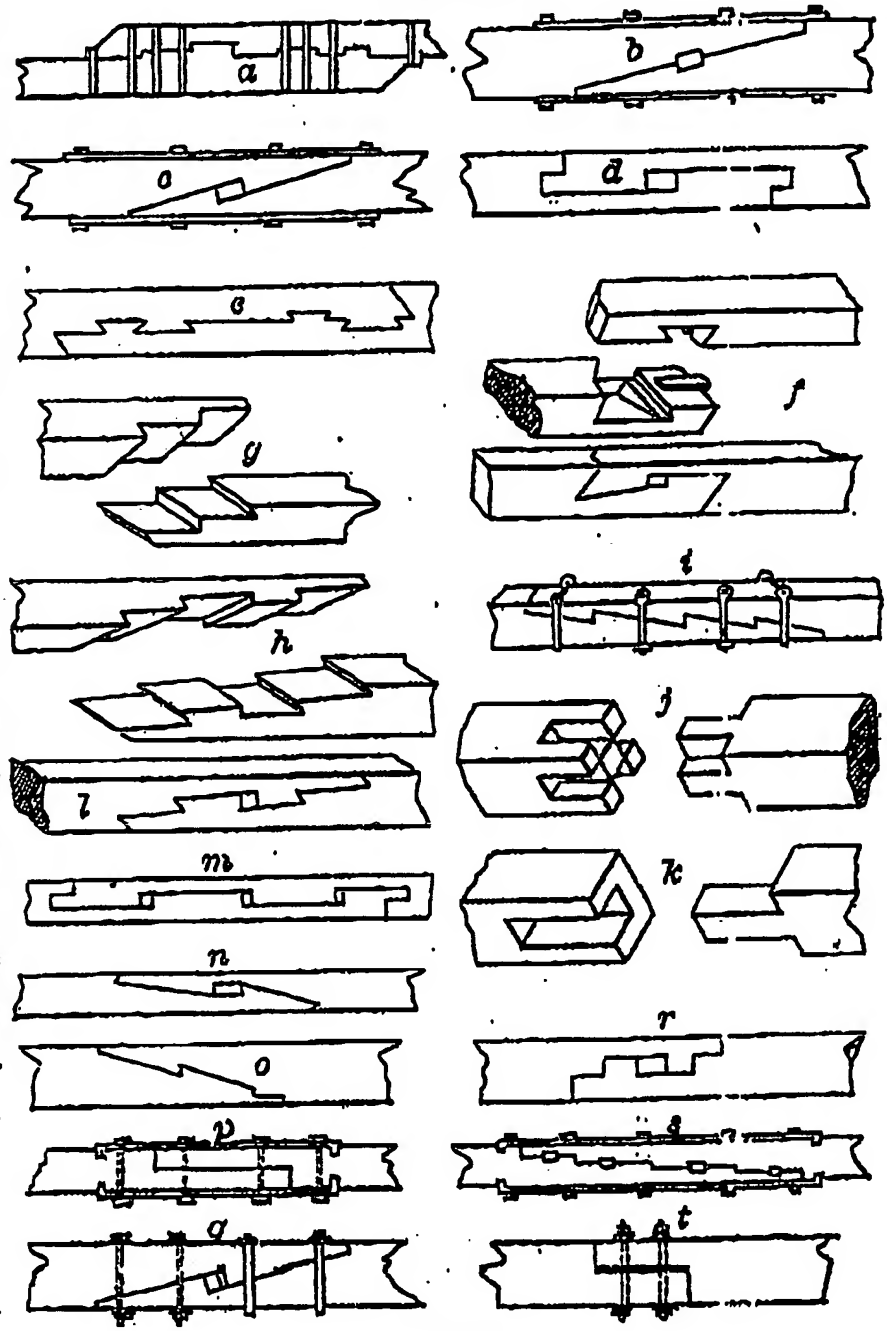
2. (*Metal-working.*) The flattened or chamfered edges of iron prepared for welding. The two surfaces being drawn out or cut obliquely, a larger contact is given to them, which fortifies the junction.

Scarf-bolt. (*Shipwrighting.*) One used by shipbuilders for securing the false keel.

Scarfing-machine'. A machine for tapering or shaving the ends of leathern belts where they lap to form a joint. It has an upper or "hand-wheel shaft," having right and left screws at its ends, playing in wedges which act upon the vertically sliding

Fig. 4660 illustrates various modes of scarfing.
a, pump-rod scarf
b c, scarfs with wedges and fish-plates.
d, scarf with wedge.
e, scarf without wedge.
f, another form showing the two pieces apart and united.

Fig. 4660.



Scarfs.